

**SUMMARY OF THE
PROFICIENCY TESTING COMMITTEE MEETING
MARCH 23, 1999**

The Proficiency Testing (PT) Committee of the National Environmental Laboratory Accreditation Conference (NELAC) met by teleconference on Tuesday, March 23, 1999, at 1 p.m. Eastern Standard Time (EST). The meeting was led by its Chair, Ms. Anne Rhyne of the Texas Natural Resource Conservation Commission. A list of action items is given in Attachment A. A list of participants is given in Attachment B. *The principle purpose of the meeting was to discuss State selection of PT providers, the PT review function, and member rotations for the PT Committee.*

INTRODUCTION

Ms. Rhyne began the conference call by reviewing Action Items from the February 23, 1999 meeting. Each of these items was discussed further in the course of today's meeting.

1. Ms. Michelle Kropilak drafted language to clarify Section 2.2.4 and other sections of Chapter 2 that relate to States choosing a PT provider.
2. Ms. Rhyne discussed the feasibility of a PT Review function within the Accrediting Authority Review Board (AARB) with Ms. Betsy Dutrow.
3. PT Committee will continue discussion on mechanism to suspend action regarding accreditation status of laboratories, after 2 failed studies.

Ms. Rhyne then reviewed the list of attendees for the PT Committee's upcoming meeting in Norfolk, Virginia. The meeting will take place on April 19 and 20, 1999, at the Hampton Roads Sanitation District Central Environmental Laboratory. The purpose will be to revise Chapter 2 and prepare for the Fifth NELAC Annual Meeting.

NELAC COMBINED GLOSSARY

Ms. Barbara Burmeister sent a file containing proposed additions to the combined NELAC glossary to Ms. Rhyne, who then forwarded it to the committee. Ms. Burmeister asked for comments or changes by March 19, 1999. The committee discussed this list and agreed that the definitions were satisfactory. The only change was to remove the definition of "interdependent analyte PT sample" because it was too specific for the combined glossary. Ms. Burmeister will make this change and send the file to Mr. Tom McAninch, with a copy to Ms. Pauline Bouchard.

STATES' RESPONSIBILITIES RE: PT PROVIDERS (PROPOSED LANGUAGE)

Ms. Kropilak reviewed her suggested language to clarify Section 2.2.4. She wanted to make it more clear that States can contract with NELAC-approved PT providers in order to prevent conflicting interpretation of the standards. New Jersey would like to contract with providers to simplify administrative and tracking tasks. Members of the committee said that they did not see a need to implement this change to the chapter, that the chapter as written does not prevent a state from performing the functions that Ms. Kropilak described. It was previously agreed that the current standards do not prevent the States from contracting with providers. Someone suggested

that adding specific language for contracts may imply that any other unspecified functions cannot be performed. The committee stated that specifying contract language may confuse the issue. It was asked whether any legal counsel had been assigned to NELAC issues. Ms. Betsy Dutrow replied that she had inquired into this issue with the U.S. Environmental Protection Agency (EPA), and was waiting but did not have an answer to this yet. She asked whether this was a question about restraint of trade. One of the committee members said that, legally, restraint of trade is a State issue and each State will need to check on this on a State level.

Ms. Rhyne took a vote on whether to include the specific language in Chapter 2 and it was decided three to one against adding the new language.

In order to communicate the issue, it was suggested that a Frequently Asked Question (FAQ) be written regarding State selection of PT providers, to make it clear that the chapter does not prevent a State from contracting with PT providers of their choice. Committee members agreed that a FAQ was needed to publicize this information. Mr. Tom Coyner volunteered to draft a FAQ. Ms. Rhyne said that she would add this to the agenda for the Annual Meeting, and make sure the FAQs were distributed.

Ms. Kropilak also suggested changes to Sections 2.2.3 and 2.4.3. Committee members disagreed with deleting the third sentence in Section 2.2.3. Members agreed to delete the first and second sentences of 2.4.3.

Other suggestions which have been summarized by Ms. Kropilak ("Changes/Corrections to PT Chapter") will be reviewed by the PT Committee in Norfolk on April 19-20. Mr. Bob Graves' proposed language on sample composition (for Section C.5.0) will also be discussed in Norfolk.

PT REVIEW FUNCTION

An Accrediting Authority Review Board (AARB) has already been established to facilitate communication between accrediting authorities and the National Institute of Standards and Technology (NIST). The PT Committee discussed whether the AARB can also serve as a review board for PT complaints. It was suggested that the AARB can withhold accreditation decisions based on a questionable PT sample until the complaint can be resolved. Ms. Rhyne will write an issue paper and formally propose this at the NELAC Board of Directors meeting on April 1, 1999. Mr. Matt Caruso will also attend the meeting. Ms. Dutrow said that she will add it as a highlight on the agenda and she also suggested that the PT Committee coordinate efforts with the Program Policy and Structure Committee.

EPA/NIST/ENVIRONMENTAL MONITORING MANAGEMENT COUNCIL (EMMC) ITEMS

Solid Waste Subcommittee

Mr. Caruso provided an update on the Solid Waste Subcommittee. He said that the subcommittee's first meeting is scheduled for Monday, March 29, 1999 and he has sent out an "option paper" to start discussions. Those invited to attend include the following: Mr. Coyner, Chuck Wibby, Kim Kirkland, Ollie Fordham, Barnes Johnson, and Barry Lesnik.

Ms. Dutrow suggested that the subcommittee identify which federal standards are necessary to include in the development of NELAC's PT standards for solid waste. The workgroup will need to decide whether they will develop new NELAC standards, develop EPA standards, or both.

NIST Update

Ms. Reenie Parris provided an update on NIST activities for the committee. She stated that there are twelve accrediting authorities in the first class. This is representative of all 48 program codes. Quality systems is still undergoing review, the training for on-site assessors is done, and radiochemistry is getting ready to be added to the program list. The schedule for the first class is still on track for June/July.

Someone noted that until NIST issues its first class of accreditations (i.e., there are no NIST-accredited providers yet), there are no NELAP-approved PTs. It was asked, what do laboratories run for PTs during this interim period? Ms. Dutrow said that she will address this with EPA and the NELAC Board to find an answer.

EPA Update

Mr. Ed Glick said that the drinking water regulations requiring one PT per year, per method, will go into effect this summer. Someone asked what is the EPA's position during the interim period before the first class of providers is accredited. Do the providers have to use criteria from the National Standards? Mr. Graves said that he will discuss this with Ms. Wendy Blake-Coleman and then respond through email to Ms. Rhyne.

MEMBER ROTATIONS (EFFECTIVE JULY 2, 1999)

Ms. Rhyne announced that the PT committee must replace one government member and one private member. Ms. Rhyne said that she will be rotating off the PT Committee and nominated Ms. Barbara Burmeister as the new committee chair. The nomination was seconded by Ms. Michelle Kropilak. Committee members approved unanimously. Ms. Rhyne said that she will put the election of Ms. Burmeister as the new chair in writing and submit it to Dr. Ken Jackson and Ms. Jeanne Mourrain, in May.

Mr. Coyner volunteered to leave the committee (private member). Ms. Rhyne expressed her appreciation for all the work contributed by both Mr. Coyner and Mr. Wibby.

She asked that committee members send names of possible nominees to her and completed nomination forms or resumes will be needed from all nominees. The new members must be selected and the chairs are to submit the information to the Board of Directors by May 10, 1999.

**ACTION ITEMS
PROFICIENCY TESTING COMMITTEE MEETING
MARCH 23, 1999**

Item No.	Action	Date to be Completed
1.	Ms. Barbara Burmeister will delete “interdependent analytes” and then submit the PT Committee’s contributions to the NELAC combined glossary to Mr. Tom McAninch and Ms. Pauline Bouchard.	Immediately
2.	Mr. Tom Coyner will draft a new FAQ on “State selection of PT providers.”	Immediately
3.	The PT Committee will review “Changes/Corrections to PT Chapter” and Mr. Bob Graves proposed language on sample composition (C.5.0) in Norfolk, VA.	April 19-20, 1999
4.	Ms. Ann Rhyne will write an issue paper on PT complaints review and propose it to the NELAC Board of Directors.	April 1, 1999
5.	Ms. Betsy Dutrow will address the question of what the laboratories will run for PTs during the interim period before NIST accredits providers.	
6.	Mr. Graves will address the question of what the Agency will require of providers during the interim period before NIST accredits the first class. (Will they use criteria from the National Standards?)	
7.	Ms. Rhyne will submit in writing to Dr. Ken Jackson and Ms. Jeanne Mourrain the election of Ms. Burmeister as the committee’s new chair.	Before May 10, 1999
8.	Committee members are asked to send names of nominees for potential PT Committee members to Ms. Rhyne.	Immediately

**PARTICIPANTS
PROFICIENCY TESTING COMMITTEE MEETING
MARCH 23, 1999**

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